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13 UNITED STATES DISTRICT COURT
14
15 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

16 HERMAN LU, an individual, on behalf of
17 himself and all others similarly situated,

18 Plaintiff,

19 vs.

20 AT&T MOBILITY SERVICES LLC, a
21 Delaware limited liability company; and
DOES 1 through 10,

22 Defendants.
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CASE NO. CV 10-5954-SBA

**JOINT STIPULATION TO EXTEND
DISCOVERY AND EXPERT
DESIGNATION CUT-OFF;
DECLARATION OF JAN E. EAKINS IN
SUPPORT THEREOF; AND ORDER**

Current Discovery/Expert Designation Cut-Off:
11/1/11

Proposed Discovery/Expert Designation Cut-
Off: 11/15/11

Hon. Sandra Brown Armstrong

1 Benjamin Schonbrun (SB# 118323)
2 V. James DeSimone (SB# 119668)
3 Michael Seplow (SB# 150183)
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Attorneys for Plaintiff
HERMAN LU

1 In accordance with Civil Local Rule 6-2, Plaintiff Herman Lu (“Plaintiff”) and
2 defendants AT&T Services, Inc., AT&T Management Services LP, AT&T Mobility Services
3 LLC, Southwestern Bell Yellow Pages, Inc., AT&T Operations, Inc., and YellowPages.com LLC
4 (collectively “Defendants”), acting by and through their respective counsel of record, hereby
5 submit this stipulated request to extend the discovery cut-off and expert designation cut-off by
6 two (2) weeks from November 1, 2011 to November 15, 2011.

7 The reason for this brief continuance is to enable the parties to attempt to resolve
8 this matter. The parties are currently engaged in settlement negotiations with the assistance of the
9 court-appointed mediator with a mediation scheduled for October 10, 2011, and desire to avoid
10 incurring additional costs and expenses to engage in formal discovery if this matter can be
11 resolved. The remaining pre-trial and trial dates set forth in the Court’s Order for Pre-Trial
12 Preparation dated August 5, 2011, will remain unchanged. *See* Declaration of Jan E. Eakins
13 (“Eakins Decl.”) ¶¶ 2-4, attached hereto.

14 ACCORDINGLY, the parties hereby stipulate and request the following:

15 1. The discovery cut-off currently set for November 1, 2011, be extended to
16 November 15, 2011.

17 2. The expert designation date for all parties currently set for November 1,
18 2011, be extended to November 15, 2011, with any rebuttal disclosure extended from
19 November 15, 2011 to November 30, 2011.

20 2. All other dates in the Court’s Order for Pre-Trial Preparation will remain
21 unchanged.

1 DATED: September 27, 2011 PAUL HASTINGS LLP

2 By: /s/ Jan E. Eakins

3 JAN E. EAKINS

4 Attorneys for Defendants

5 AT&T SERVICES, INC., AT&T MANAGEMENT
6 SERVICES LP, AT&T MOBILITY SERVICES LLC,
7 SOUTHWESTERN BELL YELLOW PAGES, INC., AT&T
8 OPERATIONS, INC., and YELLOWPAGES.COM LLC

9 DATED: September 27, 2011 SCHONBRUN DeSIMONE SEPLOW
10 HARRIS HOFFMAN & HARRISON LLP

11 By: /s/ Courtney Abrams

12 COURTNEY ABRAMS

13 Attorneys for Plaintiff

14 HERMAN LU

DECLARATION OF JAN E. EAKINS

I, Jan E. Eakins, declare:

1. I am an attorney licensed by the Bar of the State of California, and I am admitted to practice before this court. I currently am Of Counsel to the law firm of Paul Hastings LLP, counsel of record for Defendants in the above entitled matter. As such, I have personal knowledge of the facts set forth herein, and if called upon to do so, I could and would competently testify to them.

2. On or about August 5, 2011, the Court issued its Order for Pre-Trial Preparation setting a discovery cut-off date of November 1, 2011, and an expert designation date of November 1, 2011, with rebuttal disclosures by November 15, 2011.

3. Pursuant to Civil Local Rule 16-8, the parties agreed to mediate this case with a Court panel mediator and were ordered to complete the mediation no later than October 17, 2011, with assigned mediator Martin Dodd. The parties have engaged in informal settlement discussions in order to avoid the cost and uncertainties of litigation, and a mediation has been scheduled with Mr. Dodd on October 10, 2011.

4. The parties desire to avoid incurring the expense of engaging in formal discovery if this matter can be resolved. Accordingly, at the suggestion of the mediator, the parties have agreed to a brief two (2) week extension of the discovery and expert designation cut-offs in order to engage in settlement discussions. This extension will not affect any of the other dates in the Court's Order for Pre-Trial Preparation dated August 5, 2011.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on September 27, 2011, at Los Angeles, California.

/s/ Jan E. Eakins
Jan E. Eakins

ORDER

In accordance with Civil Local Rule 6.2, the Court's Order for Pre-Trial Preparation is hereby modified as follows:

1. The discovery cut-off previously set for November 1, 2011, is extended to November 15, 2011.

2. The expert designation date for all parties previously set for November 1, 2011, is extended to November 15, 2011, with any rebuttal disclosure extended from November 15, 2011 to November 30, 2011.

2. All other dates in the Court's Order for Pre-Trial Preparation will remain unchanged.

IT IS SO ORDERED.

10/14/11
Dated


Hon. Sandra Brown Armstrong
United States District Judge

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